THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10617 OF 1995

ORAL ORDER:

This writ petition is filed seeking a direction to the 1st respondent not to dispossess the petitioners from their respective lands in pursuance of the order of the 2nd respondent dated 4.5.1995, pending disposal of the appeal before the 1st respondent in S.R.No.4 of 1995.

Heard the learned counsel for both the parties.

The material on record shows that the Special Deputy Collector, Tribal Welfare, K.R. Puram, in exercise of the powers under Section 3(2) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959, ordered ejectment of the petitioners herein from the land to an extent of Ac.27.26 cents, situated in Jillellagudem Village and decided to assign the same to the tribals of Jillellagudem village. Aggrieved by the said order, dated 4-5-1995 the petitioners herein, filed appeal before the 1st respondent, along with an application for stay of operation of the order of ejectment. Alleging that the 1st respondent failed to consider the application for stay, this writ petition is filed.

This Court while directing *Rule nisi,* by order dated 30.5.1995 in W.P.M.P.No.13054 of 1995, ordered stay of all further proceedings, including dispossession of the petitioners from their respective lands in pursuance of the order of ejectment dated 4.5.1995, pending disposal of the appeal before the 1st respondent. Thereafter, respondents 7 to 25 as well as the official respondents 1 and 2 filed separate counter-affidavits, stating that the possession of the land in question has already been taken and non-tribals have been put in possession of the same.

Since the validity of the order of ejectment passed by the Special Deputy Collector is the subject matter of appeal before the 1st respondent, I am not inclined to express any opinion on merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a

direction to the 1st respondent to dispose of the appeal, if not already disposed of, within a period of eight weeks from the date of receipt of a copy of this order. Keeping in view the rival claims made by the parties as to the possession of the land in question, it is made clear that *status quo* obtaining as on today as to the nature and possession of the land shall be maintained till the appeal is decided.

Writ Petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

24th August, 2006.
Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10617 OF 1995

24th August, 2006.

Between:

Gandham Dhanunjaya and others. .. Petitioners.

And

The Agent to the Government, District Collector,
West Godavari District, Eluru and others. .. Respondents.